

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DAESHAWN MCCRAY,	:
	:
Plaintiff,	:
-v-	:
	:
WARDEN CARTER, et. al,	:
	:
Defendants.	:
	:
-----X	

21 Civ. 9051 (PAE)
(GWG)


ORDER

PAUL A. ENGELMAYER, District Judge:

On October 27, 2022, the Court granted a motion to dismiss Daeshawn McCray's claims against defendants Warden Carter, Warden Guerra, and Captain Horton. Dkt. 29. At that time, based on a review of the docket, the Court determined that the one remaining defendant in the case—Captain John Doe—had not been served. The Court ordered McCray to advise the Court in writing, by November 3, 2022, why he failed to serve the Summons and Complaint within the 90-day period on Captain John Doe, or, if McCray believed that Captain John Doe had been served, when and in what manner such service was made. Absent such a written showing by the deadline, the Court warned McCray that it would dismiss without prejudice his claims against Captain John Doe and direct the Clerk of Court to close the case. *See id.*

The Court has not received any written communication from McCray regarding the outstanding claims. Consistent with the Court's previous order, the Court hereby dismisses without prejudice the claims against Captain John Doe and directs the Clerk of Court to close the case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 4, 2022
New York, New York